

Members

Sen. R. Michael Young, Chairperson
Sen. Billie Breaux
Rep. James Buck
Rep. Ed Mahern
Dan Gammon
Paul Ricketts
Rick Snyder
Vince Huber
Joe Anderson
Tom Hanify
Dr. Philip Borst
Monroe Gray
Cathy Burton
John S. Myrland
A. Scott Chinn



MARION COUNTY CONSOLIDATION STUDY COMMISSION

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Anne Haley, Attorney for the Commission
Robert Bond, Attorney for the Commission
Peggy Piety, Attorney for the Commission
Chuck Mayfield, Fiscal Analyst for the Commission
Robert Sigalow, Fiscal Analyst for the Commission
Diane Powers, Fiscal Analyst for the Commission

Authority: P. L. 227-2005

MEETING MINUTES¹

Meeting Date: September 28, 2005
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Senate Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Sen. R. Michael Young, Chairperson; Rep. James Buck; Rep. Ed Mahern; Dan Gammon; Paul Ricketts; Vince Huber; Joe Anderson; Dr. Philip Borst; Cathy Burton; A. Scott Chinn.

Members Absent: Sen. Billie Breaux; Rick Snyder; Tom Hanify; Monroe Gray; John S. Myrland.

Sen. Young called the meeting to order at 10:05 a.m.. The Commission received the following testimony:

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Mary Beth Braitman, Attorney, Ice Miller

Ms. Braitman discussed Social Security coverage of public safety employees. She distributed a memorandum. See Exhibit 1. Ms. Braitman said that the Indianapolis Police Department (IPD) and Indianapolis Fire Department (IFD) 1977 fund members are not covered by Social Security while some township fire departments are covered. Federal law mandates that the Marion County Sheriff's Department employees be covered by Social Security unless a new employing structure is created and agreement regarding coverage is reached with the Public Employees' Retirement Fund (PERF) (the Social Security Administrator for Indiana), and the Social Security Administration (SSA). If the township fire departments are merged into IFD and this approach is acceptable to PERF and the SSA, coverage could probably be terminated for all members of the merged fire department who currently have coverage. Ms. Braitman discussed the calculations involved in determining how withdrawal from coverage would affect different groups of employees. She indicated that an Indiana Attorney General opinion would probably not be necessary. Sen. Young distributed a memorandum of a conversation with the Chicago office of the SSA that said the SSA would request an Indiana Attorney General opinion. See Exhibit 2. Sen. Young also distributed a memorandum of a conversation with the Baltimore office of the SSA that discusses coverage options available after consolidation. See Exhibit 3.

Sen. Young discussed amending the August 10 meeting minutes. Sen. Young discussed the purpose of keeping minutes and distributed a memorandum prepared by Phil Sachtleben, Executive Director of LSA. See Exhibit 4. Sen. Young stated that he would not amend the minutes, but the amendment proposal could be submitted with the other materials accompanying the minutes. See Exhibit 5.

Ted Sosin, Judge of the Marion County Circuit Court

Judge Sosin discussed the Indianapolis Works Plan (IWP) proposal to make the township courts a subdivision of the Marion County Superior Courts. Judge Sosin submitted a written memorandum of his testimony. See Exhibit 6. Under the IWP, the task of administering the township courts would go to the already overburdened Superior Courts. He said that consolidation would not create any savings or efficiencies, regardless of how the consolidation is structured.

Bob Lutz, Judge of the Wayne Township Small Claims Court of Marion County

Judge Lutz said that the IWP may create a constitutional separation of powers problem by requiring the county auditor (with the approval of the city county council) to set the small claims courts judges' salaries. He pointed out other potential legal obstacles to consolidation, such as a small claims court venue rule requiring real estate actions to be filed in the township where the property is located and a Federal lawsuit settlement that was the impetus for legislation that amended the law concerning the township courts. He said that if the small claims courts are made a division of the Marion County Superior Courts, small claims court judges would be prohibited from privately practicing in the Marion County Superior Courts due to ethical concerns.

Bob Spear, Judge of the Perry Township Small Claims Court of Marion County

Judge Spear submitted a written memorandum of his testimony. See Exhibit 7.

Jerry Young, Franklin Township Constable and former IPD officer

Mr. Young said that the current constable system is efficient and should not be

changed. He noted that his employees are subcontractors who provide their own cars and are responsible for their own gas and vehicle maintenance.

Bobby Gornauer, Constable, Las Vegas Township, Clark County, Nevada and Executive Officer of the National Constable Association

Mr. Gornauer submitted his biography to the Commission. See Exhibit 8. He also submitted a schedule of his office's constable fees. See Exhibit 9. Mr. Gornauer discussed his office's operations, stating that the office is funded entirely from fees (not taxes) and produces surplus revenue. The deputy constables are subcontractors who pay for their own training and post certification. The office already does most of the civil service and is negotiating to take over the remaining civil service that is done by the sheriff's department. Mr. Gornauer explained that while his jurisdiction is defined by the township boundaries, there is no township government. The constable's office is a county office that has its budget approved by the county commissioners.

Roy Houchins, Perry Township Constable and former Marion County Sheriff's Deputy, Civil Division

Mr. Houchins discussed his experience with the Marion County Sheriff's Office and as a constable. Mr. Houchins said that some civil service that is being done by the sheriff's department could be done by the constable. He said that while sheriff's deputies receive a salary, his deputies are subcontractors who are paid a fee for each service.

Shirley Challis, Deputy Chief, Civil Division, Marion County Sheriff's Department

Deputy Chief Challis explained that the sheriff's department and the constable's office serve different types of papers, and that there is a place in the system for both of them. The sheriff's department would like to charge a fee for service of process, but state law prohibits this unless it is service for an out of state filing. She said she would like to present a proposal to the Commission at a later time on how to increase sheriff's department fees.

Dick Hoffman, CAE, MAI, Appraisal Research Corp., Ohio

Mr. Hoffman provided the Commission with a written memorandum of his testimony, See Exhibit 10. He does not recommend implementing the township assessor provisions of the IWP to improve efficiency. Since Marion County already has competent assessors, he recommends investing in more technology and hiring more personnel. He suggested that each assessor's office obtain a self evaluation guide to analyze and improve operations.

Glen Bill, Broker/ Realtor and Manager, Century 21

Mr. Bill explained that he joins the Metropolitan Indianapolis Board of Realtors (MIBOR) support of the IWP but also supports the township assessors who, in his experience, have been accessible and knowledgeable about the property within their jurisdiction. He is concerned that after a consolidation, assessment appeals will be decided by the same entity that does the assessments. He hopes property taxes will be lowered so property owners can invest more money on property maintenance.

Jack Rupp, Realtor, Century 21

Mr. Rupp supports the current township assessor system because it works and

provides good service by local, accountable assessors who are familiar with the market in their jurisdiction. He supports the current system which empowers a property owner to speak directly to their local representative to correct any errors in their assessment.

Paul Ricketts, Lawrence Township Assessor

Mr. Ricketts explained that Sen. Young asked him to make a comparison of assessment practices in Minneapolis, Minnesota and Mecklinburg, North Carolina. Mr. Ricketts provided a written memorandum of his presentation. See Exhibit 11. In response to a question from Senator Young, Mr. Ricketts said he would support looking at a nepotism law applicable to townships.

Harry Tibbetts, Deputy Chief, Wayne Township Fire Department and former Deputy Chief of Operations of the Indianapolis Fire Department

Deputy Chief Tibbetts said that the township fire departments and IFD could undergo "functional consolidation" to create cost savings and efficiencies in lieu of total consolidation. A copy of Deputy Chief Tibbetts' presentation is attached. See Exhibit 12. In response to questions, he said that some economies could be created by having a single training academy with satellite facilities, eliminating dive teams, and having a single vehicle maintenance facility. Sen. Young asked Deputy Chief Tibbetts, Mike Reeves, President of Indianapolis Metropolitan Professional Fire Fighter's Union Local 416, and any other individuals involved in the fire issue to provide the Commission with a list of options for functional consolidation by October 19.

Martin Wilkey, Deputy Chief of Administration/EMS for Pike Township Fire Department

Deputy Chief Wilkey discussed the importance of fire based EMS, indicating that EMS calls constitute a majority of the fire service calls in the township. He said the National Fire Protection Association's 1710 standard, which sets an eight minute response time standard for paramedics, is inadequate to ensure the survivability of patients. He said that a four minute paramedic response time (which some township fire departments have already achieved) should be the goal. He recommended the same resources should be committed the EMS service as to fire service and that Indianapolis should adopt a fire-based EMS approach.

Sen. Young distributed a memorandum from Mr. E. Mitchell Roob Jr., Secretary, Indiana Family and Social Services Administration regarding modernizing the public assistance eligibility structure. See Exhibit 13.

Gene Lushin (Dem.) Trustee, Center Township, Howard County

Mr. Lushin said that the township responds with assistance faster than any other program and tailors the assistance to the individual needs of each household. The township pays vendors directly, thereby reducing waste and preventing abuse. Trustees negotiate with service providers to get rate reductions. Trustees provide non-traditional services such as bill paying and health fairs and screening.

Steve Rink, (Rep.) Trustee, Decatur Township, Marion County

Mr. Rink said that the township trustee's office is efficient because it works directly

with citizens and vendors. The current township system offers local, accessible offices while the IWP proposes two township trustees with a jurisdiction of 300 square miles. He discussed how the maintenance of township cemeteries would suffer under the IWP which gives this responsibility to the city parks department. He suggested reducing the township boards from seven members to five members.

Next meeting date

Sen. Young set the next meeting for October 19, 2005 from 6 p.m. to 9 p.m. in the Ben Davis High School Auditorium. He said that at the next meeting the Commission would be receiving testimony from the public. He said that E. Mitchell Roob Jr., Secretary of the Indiana Family and Social Services Administration and Deputy Chief Shirley Challis of the Civil Division of the Marion County Sheriff's Department may also make a presentation at this meeting. He said that those attending the meeting should use Entrance #1 on the east side of the building. Sen. Young said that the study performed by Reedy and Peters should be completed by the end of October and the study performed by Sam Staley should be completed by the end of October or first of November. He told Commission members to put together their proposals about what they want the Commission to accomplish, and submit them to him or to Staff Attorney Anne Haley. The meeting was adjourned at 5:55 p.m..